UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Pigford, et al., v. Glickman; Civil Action No. 97-1978 D.D.C. (PLF)
Brewington, et al., v. Glickman; Civil Action No. 98-1693 D.D.C. (PLF)

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POORMAN DOUGLAS

CLAIM SHEET AND ELECTION FORM

Do not submit a photocopy of this form.
If you need another form, please call 1-800-646-2873.

[redacted]

AR 71601

TRACKING #
[redacted]

Claim Number [redacted]

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BLACK FARMERS' SETTLEMENT

Please type or print clearly.

PART I: CLAIMANT INFORMATION

[redacted]
Farmer's Name [First, Middle, Last]

[redacted]
(Area Code) Home Number

Spouse's Name [First, Middle, Last]

(Area Code) Business Number

[redacted]
Street Address

(Area Code) Fax Number

Pine Bluff AR. 71601
City State Zip

[redacted]
Farmer's Social Security Number

[redacted]
Farmer's Date of Birth

If you are making this claim on behalf of an estate or a deceased person, check this box, and ☐
identify the estate or deceased person. _____

PART II: CLASS MEMBER QUALIFICATION

	Yes	No	
1.	☒	☐	Are you an African American who farmed, or attempted to farm, at anytime between January 1, 1981, and December 31, 1996?
2.	☒	☐	Between January 1, 1981, and December 31, 1996, did you apply to participate in a federal farm program with USDA?
3.	☒	☐	Between January 1, 1981, and July 1, 1997, did you file a complaint of discrimination against USDA concerning treatment that you received in that application process?

With respect to this third question, place an "X" next to each category below which describe(s) the proof that you have that you filed a complaint of discrimination.

You must attach to this Claim Sheet documentation ("proof") for each item you check. If you do not attach proof, your claim may be rejected.

[redacted] TRACKING # [redacted]

3A. ☐ A copy of the discrimination complaint the claimant filed with USDA, or a copy of a USDA document referencing the discrimination complaint.

3B. ☐ A declaration executed pursuant to 28 U.S.C. § 1746 by a person who is not a member of the claimant's family and which (1) states that the declarant has first-hand knowledge that the claimant filed a discrimination complaint with USDA; and (2) describes the manner in which the discrimination complaint was filed.

3C. ☐ A copy of correspondence from the claimant to a member of Congress, the White House, or a state, local, or federal official averring that the claimant has been discriminated against.

3D. ☒ A declaration executed pursuant to 28 U.S.C. § 1746 by a person who is not a member of the claimant's family, which states that the person has first-hand knowledge that, while attending a USDA listening session, or other meeting with a USDA official or officials, the claimant was explicitly told by a USDA official that the official would investigate that specific claimant's oral complaint of discrimination.

PART III: ELECTION OF TRACK A OR TRACK B

Please check one box below to elect the form of settlement you wish to pursue. Once you have elected a form of settlement, your decision will be final and not subject to change. Because this decision has important consequences, you may wish to discuss your options with a lawyer.

☒ **TRACK A – ADJUDICATION**
You establish by substantial evidence that discrimination occurred and receive a liquidated settlement (injunctive relief, debt relief, $50,000 cash, and tax payment).

☐ **TRACK B – ARBITRATION**
Your case will be determined at a future hearing by an arbitrator in a one-day binding arbitration.

PART IV: AGREEMENT TO SETTLE AND DECLARATION OF STATEMENTS

I understand that the answers to the questions above are being relied upon by the United States Government in determining my right to relief under the Equal Credit Opportunity Act and/or the Administrative Procedure Act. I elect to settle my claim in the manner indicated above and consent to allow the government to audit my file. I declare under penalty of perjury that the above answers are true and correct.

X [redacted]
Signature of Farmer

X 4/3/1999
Date

I have assisted the farmer whose name is stated above in filling out this Claim Sheet and Election Form. I declare under penalty of perjury that: (1) I believe the statements contained herein to be true; and (2) I have not and will not request the farmer to compensate me for assisting him/her.

[redacted]
Signature of Attorney

4/3/99
Date

If you have elected the Track A Adjudication process, you must complete the Track A – Adjudication Claim Affidavit part of this Claim Package.

If you have elected the Track B Arbitration process, you do not need to complete the rest of this Claim Package. You will receive a notice soon from the arbitrator's office on what to do next.

To be eligible to participate in the settlement, you must send this Claim Package postmarked no later than 180 days from the date on which the Court approves the Consent Decree to:

Claims Facilitator
P.O. Box 4390
Portland, OR 97208-4390

If you have questions on how to complete your Claim Package or how to obtain the services of a lawyer at no cost to you, please call the Claims Facilitator toll free at 1-800-646-2873.

[redacted]

TRACKING # [redacted]

PART V: TRACK A – ADJUDICATION CLAIM AFFIDAVIT

Only complete this affidavit if you have elected to settle your claim under the Track A – Adjudication option.

The Consent Decree requires that you meet the following requirements in order to be entitled to relief under Track A:

A. In cases in which a class member's discrimination complaint concerns an **Equal Credit Opportunity Act (meaning credit or loan) matter**, the class member must show that:
 (1) he owned, leased, or attempted to own or lease farm land;
 (2) he applied for a specific credit transaction at a USDA office between 1/1/81 and 12/31/96;
 (3) the loan was denied, provided late, approved for a lesser amount than requested, encumbered by restrictive conditions, or USDA failed to provide appropriate loan service, and such treatment was less favorable than that accorded specifically identified, similarly situated white farmers; and
 (4) USDA's treatment of the loan application led to economic damage to the class member.

B. In cases in which a class member's discrimination complaint concerns a non-credit program benefit, the class member must show that:
 (1) he applied for a specific non-credit benefit program at a USDA county office between 1/1/81 and 12/31/96 and
 (2) his application was denied or approved for a lesser amount than requested, and that such treatment was different than the treatment received by specifically identified, similarly situated white farmers who applied for same non-credit benefit.

In order to qualify for settlement benefits, you must answer the following questions and complete the personal narrative at the end of the package. For some answers, additional written explanations are required. These answers are followed by blank lines for you to use.

If you need additional space, please attach your own paper.
Clearly mark all attachments with your name and social security number.

1. Between January 1, 1981, and December 31, 1996, which of the following apply?

☐ Owned farm land? ☒ Leased farm land? ☐ Attempted to own or lease farm land?

State the location and size of the land you owned, leased, or attempted to own or lease.

IN 1982, I leased 35 acres of land in Jefferson County.

2. Between January 1, 1981, and December 31, 1996, for what type of specific federal farm program did you apply?

☒ Operating Loan
☐ Farm Ownership Loan
☐ Emergency Loan
☐ Conservation Loan
☐ Non-credit Benefit Program (identify the specific program): _____

3. Complete only the sections below that describe the treatment you received from USDA between 1/1/81 and 12/31/96.

A) Loan or Benefit Application Denied; Loan or Benefit Was Approved, but Funds Were Provided Late; or Loan or Benefit Was for Less Than Requested

Explain for what loan or program benefit you applied and what USDA decided on your application.

IN 1982, I applied for an operat. loan. FHA said I didn't have the managerial experience and the proper equipment while other white people was receiving this loan with similar experience as I did. I orally complained of discrimination!

[redacted]

TRACKING # [redacted]

B) Loan Encumbered by Restrictive Conditions
Explain the conditions/restrictions applied to your loan or program benefit. (For example, excessive collateral requested, supervised loans, etc.)

C) USDA Did Not Provide Appropriate Loan Services
Explain in detail.

In 1982, I had an appointment and waited several hours while White people came in and was waited on right away. It was lunch time I had to leave and come back and still waited One hour after returning. I orally complain of discrimination.

[redacted]

TRACKING # [redacted]

D) Disparate Treatment

Identify, with respect to each type of treatment described in paragraphs (A), (B), and (C) above about which you complain, the name and address of each white farmer who was situated similarly to you; and state in detail the specific manner in which your treatment was different from the treatment accorded each such white farmer.

For (A). [redacted] is a White farmer. He lives in Pine Bluff, AR. [redacted] had no Problem receiving this loan. At the time he Submitted his loan we had similar experience. I, on hand make repeated application and was still denied.

For (B). [redacted] is a white farmer. He lives in Jefferson County. He had no Problem receiving this loan.

For (C). [redacted] is a white farmer. His application was filled out by the FHA staff and he didn't have to wait. I had to wait several hours before being seen. I orally complained of discrimination.

[redacted]

TRACKING # [redacted]

4. NARRATIVE STATEMENT

If you are asserting an ECOA claim, explain below, in your own words, the relationship between the act or acts of discrimination which you allege above and how you suffered economic damages.

IN 1982, I wasn't able to perpare my land and do repairs to my equipment I wasn't able to pay my taxes, buy chemicals, seed and additional land. I lost all my equipments and a truck. I estimate that my damages were $85,000.

I understand that this affidavit, any statement made herein, and the answers to these questions are being relied upon by the United States Government in determining my right to relief under the Equal Credit Opportunity Act and/or the Administrative Procedure Act. I declare under penalty of perjury that the above answers are true and correct. I elect to settle my claim in the manner indicated above and consent to allow the government to audit my file.

[redacted]

Signature of Farmer

4/13/99

Date

I have assisted the farmer whose name is stated above in filling out this affidavit. I state, under penalty of perjury, that: (1) I believe the statements contained herein to be true, and (2) I have not and will not require the farmer to compensate me for assisting him/her.

[redacted]

Signature of Attorney

4/3/99

Date

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POORMAN DOUGLAS

DECLARATION

TO BE FILLED OUT BY A PERSON WHO IS NOT A MEMBER OF THE CLAIMANT'S FAMILY

Instructions: You are being asked to fill out this form in support of a farmer who is filing a claim as part of the Black Farmers' class action lawsuit against the U.S. Department of Agriculture (USDA).

Step One: Please make sure that the name in the space below is the name of the person whose claim you are supporting.

I submit this declaration in support of the claim of [redacted] ("claimant") under the settlement agreement of *Pigford* v. *Glickman*, the Black Farmers' class action lawsuit, and hereby declare that:

Step Two: **You need only complete ONE of the two SECTIONS below.** Please look carefully at the top of page 2 of the Claim Sheet and Election Form of the person whose claim you are supporting. If he/she checked Box 3B, please complete "SECTION 1" below only. If he/she checked Box 3D, please complete "SECTION 2" only. If you need additional space, please attach your own paper. Clearly mark all attachments with your name and SSN.

SECTION 1: TO SUPPORT NUMBER 3B ON THE CLAIM SHEET

(a) I am not a member of the claimant's family; AND
(b) I have first-hand knowledge that the claimant filed a discrimination complaint with USDA; AND
(c) The manner in which the discrimination complaint was filed was as follows:

— OR —

SECTION 2: TO SUPPORT NUMBER 3D ON THE CLAIM SHEET

(a) I am not a member of the claimant's family; AND
(b) I have first-hand knowledge that the claimant, while attending (check at least one box)

☐ a USDA listening session in _____ (City, State),

☒ a meeting in Pine Bluff Ark. (City, State) with a USDA official or officials,

was explicitly told by a USDA official, [redacted] (Name(s) of Official(s)) Supervisor (Title(s) of Official(s))

that the official(s) would investigate the specific claimant's oral complaint of discrimination.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

[redacted]
Signature

4-3-99
Date

[redacted]
Printed Name

[redacted]
Social Security Number

[redacted]
Street Address

PINE BLUFF ARK. 71603
City, State Zip

FORM E1291

UNITED STATES DISTRICT COURT
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DECISION OF ADJUDICATOR IN THE CLAIM OF:

[redacted]

Claim [redacted]

Having reviewed and considered the Claim Sheet and Election Form and any additional materials submitted by the Claimant and his/her counsel, together with all materials submitted by the United States Department of Agriculture and the United States Department of Justice, the Adjudicator hereby finds that the Claimant has established, through substantial evidence, that he/she is entitled to relief under the standards set forth in the Consent Decree. Specifically, the Claimant established by substantial evidence that he/she:

(A) owned or leased, or attempted to own or lease, farm land;

(B) applied for a specific loan at a USDA county office between January 1, 1981, and December 31, 1996;

(C) the loan was denied, provided late, approved for a lesser amount than requested, encumbered by restrictive conditions, or USDA failed to provide appropriate loan service;

(D) such treatment was less favorable than that accorded specifically identified, similarly situated white farmers; and

(E) USDA's treatment of the loan application led to economic damage to the Claimant.

[redacted]

STATEMENT OF DECISION

In 1982, claimant explains he leased 35 acres in Jefferson County, Arkansas. In 1982, claimant applied for an operating loan, but the FSA said that he did not possess the managerial experience or the proper equipment. At the same time, white farmers were receiving this type of loan and they had similar experience as claimant. Claimant verbally complained about the discrimination. In 1982, claimant had an appointment and waited several hours while white farmers came in and were waited on right away; at lunch time claimant had to leave and then come back to wait another hour. One identified white farmer in Pine Bluff, Arkansas, had no problem receiving this loan even though at the time he submitted his loan, he and claimant had similar experience. Claimant made repeated application but was still denied. A second identified white farmer in Jefferson County, Arkansas, had no problem receiving his loan. A third identified white farmer had his application filled out by the FmHA staff and the white farmer did not have to wait; however, claimant had to wait several hours before being seen. In 1982, claimant was unable to prepare his land, repair his equipment, pay his taxes, and buy chemicals, seed and additional land due to the above events. Claimant lost all of his equipment and his truck. He estimates his economic damages to be $85,000.

The USDA responds that it has no records or knowledge regarding claimant or two of the identified white farmers. The third identified white farmer was a member of an identified farm in Jefferson County and received deficiency payments in 1987.

Claim Approved. Claimant provides detailed, substantial evidence of discrimination in that the USDA denied him an operating loan in 1982, while identified similarly situated white farmers received preferential loan services, as well as operating loans during the same period. Overall, claimant's description of the events is credible and substantially shows disparate treatment as compared to identified similarly situated white farmers.

[redacted]

RELIEF

You are hereby entitled to:

1. A cash payment of $50,000. This payment will be sent to you within approximately 60 days of the date shown below.
2. An additional payment of 25% of the cash payment of $50,000 described in ¶1 which shall be made by electronic means directly from the Judgment Fund to the Internal Revenue Service.
3. You will be sent Internal Revenue Service Form 1099, documenting the cash payment of $50,000 described in ¶1, and the additional 25% payment described in ¶2 above.
4. Injunctive relief pursuant to the Consent Decree.

Dated: November 04, 1999

Signature of Adjudicator